

07/30/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/007,448 Confirmation No. 3784  
Applicants : David Lewis, Hans Herweijer, James E. Hagstrom,  
Aaron Loomis, Jon A. Wolff,  
Filed : 11/07/2001  
Art Unit : 1635  
Examiner : Gibbs, Terra C.  
Docket No. : Mirus.030.03

For: **Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-Embryonic Animal Cells *In vivo***

Commissioner of Patents  
P.O. Box 1450  
Alexandria VA, 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT A DELAYED CLAIM  
BENEFIT UNDER 35 U.S.C. 120 OF FILED COPENDING  
NONPROVISIONAL APPLICATION**

Dear Sir:

Applicant hereby petitions in accordance with 37 C.F.R. § 1.78(a)(3) to claim the benefit for this application under 35 U.S.C. 120 as a continuation-in-part of application No. 09/877,436 filed on June 7, 2001, which is a divisional of 09/450,315 filed Nov. 29, 1999, now Pat. No. 6,379,966, which claims priority of provisional applications 60/121,730 filed on Feb. 26, 1999 and 60/146,564 filed on Jul. 30, 1999.

A replacement specification indicating the priority claim is included with the attached amendment.

08/04/2004 WABDELRI 00000051 10007448  
01 FC:1460 130.00 DP

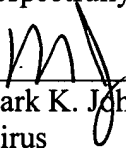
Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Enclosed is a credit card pay form, please charge the amount of \$130.00 to cover the petition fee as set forth in § 1.17(m).

Please forward the attached amendment and response to the Examiner.

If there are any questions, please contact the undersigned.

Respectfully submitted,

  
\_\_\_\_\_  
Mark K. Johnson Reg. No. 35,909  
Mirus  
505 South Rosa Road  
Madison, WI 53719  
608-238-4400

I hereby certify that this correspondence is being sent  
by facsimile transmission to: Commissioner for  
Patents, PO Box 1450, Alexandria, VA 22313-1450  
on this date: 7/20/04

  
\_\_\_\_\_  
Kirk Ekena